

**Town of Palm Beach  
Code Enforcement Board  
Minutes**

**Thursday, June 16, 2011, 2:00 p.m.**

Please be advised that in keeping with a recent directive from the Town Council, the minutes of all Town Boards and Commissions will be “abbreviated” in style. Persons interested in listening to the meeting, after the fact, may access the audio of that item via the Town’s website at [www.townofpalmbeach.com](http://www.townofpalmbeach.com) or may obtain an audio recording of the meeting by contacting Joan Dunn, Secretary to the Code Enforcement Board at (561) 227-6388. As a point of reference, you will find the recording times listed on these minutes at the beginning of each item.

**I. Call to Order:(2:00:17 p.m.)**

**II. Roll Call:**

Upon roll call, the following Board members were present: Chairman Timothy Hoffman, Vice Chairman Harris S. Fried, Joel Koeppel, Larry Ochstein, Madelyn Greenberg, Cynthia Van Buren, James M. Ballentine, Jr. and alternate members W. Anthony Dowell and Scotch Peloso.

Staff present: Town Attorney John Randolph, Code Enforcement Manager Raychel Houston, Lead Code Enforcement Officer Robert Walton and Recording Secretary Joan Dunn.

Mr. Hoffman acknowledged and thanked Councilman Diamond and Deputy Chief Szarszewski for their attendance at the meeting.

**III. Approval of the Minutes of May 19, 2011(2:01:45 p.m.)**

Mr. Hoffman noted a correction on page 5 of the May 19, 2011 minutes. He advised the correct compliance date on case CE 11-416 should be June 10, 2011 not July 10, 2011.

**MOTION BY MR. FRIED TO APPROVE THE MAY 19, 2011 MINUTES AS AMENDED**

**SECONDED BY MS. GREENBERG**

**MOTION PASSED UNANIMOUSLY**

**IV. Administration of the Oath to Town Staff:(2:01:52 p.m.)**

Town Staff who would be testifying were sworn in by Recording Secretary Joan Dunn.

**V. Public Hearings:**

**A. Case # CE 11-729, 2145 S. Ocean Blvd., Benjamin Casas**

Violation of Chapter 6, Section 6-9 (3) of the Town of Palm Beach Code of Ordinances, open container of alcohol on a public beach

Lead Code Officer Walton asked for this case to be postponed due to the unavailability of the police officer.

**MOTION BY MS. GREENBERG TO POSTPONE THIS CASE UNTIL THE JULY 21, 2011 HEARING**

**SECONDED BY MR. KOEPPPEL**

**MOTION PASSED UNANIMOUSLY**

**B. Case # CE 11-210, 2100 S. Ocean Blvd., Kay-Dee Sportswear, Inc. & Sloan's Curve Homeowners Assoc. Inc.**

Violation of Chapter 134, Section 134-623 of the Town of Palm Beach Code of Ordinances, the only permitted land use allowed in a PUD are uses permitted in the RC medium density district; Violation of Chapter 114, Section 114-32, business tax receipt required

Lead Code Officer Walton advised this case was postponed from last month's meeting and is now in compliance and requested it be dismissed for compliance. The attorney for Sloan's Curve Homeowners Association, Eleanor Halperin, was present but did not speak. Mr. Hoffman asked if the issue of who would be allowed on the premises was resolved. Mr. Walton gave a brief summary of the resolution.

**MOTION BY MS. GREENBERG TO DISMISS THIS CASE FOR COMPLIANCE**

**SECONDED BY MR. KOEPPPEL**

**MOTION PASSED UNANIMOUSLY**

**C. Case # CE 11-591, 456 S. Ocean Blvd., Charley's Crab & BCD Investors LLP**

Chapter 134, Section 134-2179 (f) of the Town of Palm Beach Code of Ordinances, required or supplemental off-street parking shall be effectively screened with hedges which shall extend across the entire building line which separates the parking area from the street except for the access way; Chapter 42, Section 42-86 of the Code, unsightly, unsafe or unsanitary conditions and the storage of debris on private property not allowed

Lead Code Officer Walton requested this case be postponed due to the unavailability of the manager or property owner. Mr. Fried asked about the unsightly conditions. Mr. Walton advised the lot has been cleared of the miscellaneous roof tiles.

**MOTION BY MR. KOEPPPEL TO POSTPONE THIS CASE UNTIL THE  
JULY 21, 2011 HEARING  
SECONDED BY MS. VAN BUREN  
MOTION PASSED UNANIMOUSLY**

D. Case # 11-161, 301 Australian Ave., CSC Brazilian LP

Violation of Chapter 54, Section 54-71 of the Town of Palm Beach Code of Ordinances, no building or site planning feature within a historic district shall be erected, altered, restored, moved or demolished without an approved Certificate of Appropriateness from the Landmarks Preservation Commission.

Lead Code Officer Walton presented the facts of the case and submitted photographs into evidence. The Town recommends a finding of non-compliance, administrative costs of \$150.00 and to give them until July 15, 2011 to comply. Board members inquired as to the delay in the permit. Planning Administrator John Lindgren advised an application was submitted on June 13, 2011 and is in plan review at this time.

**MOTION BY MR. FRIED TO FIND THE VIOLATOR IN NON-  
COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF  
\$150.00 AND GIVE THEM UNTIL JULY 15, 2011 TO COMPLY  
SECONDED BY MS. VAN BUREN  
MOTION OPPOSED**

**ROLL CALL VOTE:**

|                       |            |
|-----------------------|------------|
| <b>MR. FRIED</b>      | <b>YES</b> |
| <b>MS. VAN BUREN</b>  | <b>YES</b> |
| <b>MR. KOEPPPEL</b>   | <b>NO</b>  |
| <b>MS. GREENBERG</b>  | <b>YES</b> |
| <b>MR. OCHSTEIN</b>   | <b>YES</b> |
| <b>MR. BALLENTINE</b> | <b>NO</b>  |
| <b>MR. HOFFMAN</b>    | <b>NO</b>  |

**MOTION PASSED 4 TO 3**

*(Mr. Hoffman acknowledged Councilman Kleid's presence at the meeting)*

E. Case # CE 11-389, 296 S. County Rd., Milton Partnership LTD

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, windows to be maintained in good condition and free of cracks or holes to prevent weather elements or insects from entering

Lead Code Officer Walton presented the facts of the case and submitted photographs into evidence. The Town recommends a finding of non-compliance, administrative costs of \$150.00 and to give them until July 15, 2011 to comply. The property manager, Robert Klecinsky reviewed the work done to the building so far and agreed the work could be completed by July 15, 2011.

**MOTION BY MR. OCHSTEIN TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL JULY 15, 2011 TO COMPLY  
SECONDED BY MS. GREENBERG  
MOTION PASSED UNANIMOUSLY**

F. Case # CE 11-398, 402 Hibiscus Ave., Love II LLC

Violation of Chapter 18, Section 18-241 of the Town of Palm Beach Code of Ordinances and Florida Building Code, Section 105, permits to construct, enlarge, alter, repair, move, or demolish any structure or building required; Violation of Chapter 18, Section 18-175 of the Code, any demolition, building, structure, sign, or other development of property, or appurtenances or alterations thereto requires ARCOM approval

Lead Code Officer Walton reviewed the facts of the case and advised it was a result of a routine inspection. He submitted photographs into evidence. The Town recommends a finding of non-compliance, administrative costs of \$150.00 and to give them until August 12, 2011 to comply. Leslie Evans spoke on behalf of the property owner. He said they need ARCOM approval and requested more time to comply.

**MOTION BY MR. KOEPEL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL AUGUST 12, 2011 TO COMPLY  
SECONDED BY MR. BALLENTINE  
MOTION PASSED UNANIMOUSLY**

G. Case # CE 11-489, 216 Tradewind Dr., Scott M. & Virginia O. Gordon

Violation of Chapter 42, Section 42-228 of the Town of Palm Beach Code of Ordinances, a maximum permissible emission of noise level is established by use of a sound level meter and is set at a maximum of 61 dBA for day and 55 dBA for night (between 7:00 p.m. and 9:00 a.m.) for the geographic area

Lead Code Officer Walton asked this case be postponed to the July 21, 2011 meeting due to the unavailability of the property owner.

**MOTION BY MR. KOEPEL TO POSTPONE THIS CASE UNTIL THE JULY 21, 2011 HEARING  
SECONDED BY MS. GREENBERG  
MOTION PASSED UNANIMOUSLY**

- H. Case # CE 11-549, 211 Royal Poinciana Way, Alec Lazo's Paramount Ballroom & Vesenaz Holding Corp.

Violation of the Town of Palm Beach Code of Ordinances, Chapter 38 Section 38-35 (b), burglar alarm system fines not paid

Lead Code Officer Walton presented the facts of the case and advised this case was referred to Code Enforcement from Finance. Manager Houston reviewed the process of how the charges accumulated. Mr. Alec Lazo, the business owner, explained the reason for the multiple alarms and requested a reduction in fines.

**MOTION BY MR. FRIED TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND TO REDUCE THE FINE TO \$600.00. HE FURTHER MOTIONED THAT IF THE FINE IS NOT PAID WITHIN 2 WEEKS OF THE ORDER IT WILL RETURN TO THE ORIGINAL AMOUNT OF \$ 1,452.00  
SECONDED BY MR. OCHSTEIN  
MOTION PASSED UNANIMOUSLY**

- I. Case # CE 11-555, 300 Worth Ave, Polo Ralph Lauren & Love 300

Violation of the Town of Palm Beach Code of Ordinances, Chapter 38 Section 38-35 (b), burglar alarm system fines not paid

Lead Code Officer Walton requested this case be postponed to the July 21, 2011 meeting due to the unavailability of the store manager.

**MOTION BY MR. KOEPPEL TO POSTPONE THIS CASE UNTIL THE JULY 21, 2011 HEARING  
SECONDED BY MS. GREENBERG  
MOTION PASSED UNANIMOUSLY**

- J. Case # CE 11-569, 995 S. Ocean Blvd., Mary Conrad

Violation of Chapter 122, Section 122-53 of the Town of Palm Beach Code of Ordinances: irrigation out of line with schedule

Lead Code Officer Walton reviewed the facts of the case and submitted photographs into evidence. The Town recommends a finding of non-compliance, administrative costs of \$150.00 and be ordered to pay the \$125.00 fine.

**MOTION BY MR. KOEPPEL TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND PAYMENT OF THE \$125.00 FINE  
SECONDED BY MR. FRIED  
MOTION PASSED UNANIMOUSLY**

K. Case # CE 11-570, 200 Worth Ave., Paradise Fund, Inc.

Violation of Chapter 78, Section 78-101 of the Town of Palm Beach Code of Ordinances, a permit is required for the solicitation of contributions for any charitable purpose

Lead Code Enforcement Officer Walton requested this case be dismissed as they have applied for a permit.

**MOTION BY MS. GREENBERG TO DISMISS THIS CASE FOR COMPLIANCE  
SECONDED BY MR. KOEPPPEL**

No vote was taken on this motion as a discussion ensued. After the discussion was completed another motion was requested.

**MOTION BY MR. FRIED TO DISMISS THIS CASE FOR COMPLIANCE  
SECONDED BY MR. OCHSTEIN  
MOTION PASSED UNANIMOUSLY**

L. Case # CE 11-641, 142 Via Palma, Salomon & Ellen Bitton

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, unsafe or unsanitary conditions and grass in excess of 8" in height not allowed

Lead Code Officer Walton reviewed the facts of the case and submitted photographs into evidence. The Town recommends a finding of non-compliance, administrative costs of \$150.00 and to give them until June 24, 2011 to comply.

**MOTION BY MS. GREENBERG TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL JUNE 24, 2011 TO COMPLY  
SECONDED BY MR. KOEPPPEL  
MOTION PASSED UNANIMOUSLY**

M. Case # CE 11-670, 270 Colonial Ln., Alla Kournikova

Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, stagnant water or unsanitary conditions and grass in excess of 8" in height prohibited and the accumulation of trash and debris and any condition which provides harborage of vermin not allowed

Lead Code Officer Walton reviewed the facts of the case and submitted photographs into evidence. The Town recommends a finding of non-compliance, administrative costs of \$150.00 and to give them until June 23, 2011 to comply.

**MOTION BY MR. FRIED TO FIND THE VIOLATOR IN NON-COMPLIANCE, ASSESS ADMINISTRATIVE COSTS IN THE AMOUNT OF \$150.00 AND GIVE THEM UNTIL JUNE 23, 2011 TO COMPLY  
SECONDED BY MR. BALLENTINE  
MOTION PASSED UNANIMOUSLY**

**VI. Fine Consideration**

A. Case # CE 11-416, 350 S. County Rd., Three 50 Realty Corp.

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, appurtenances to be kept in a good condition

Lead Code Officer Walton briefly reviewed the facts of the case. Mr. Walton advised Richard Burke was present to speak on behalf of the property owner. The Town recommends a \$150.00 a day fine commence after the compliance date given by the Board. Mr. Burke asked for more time to comply.

**MOTION BY MR. KOEPPEL TO GRANT ADDITIONAL TIME TO COMPLY, UNTIL AUGUST 1, 2011 AND IF COMPLIANCE WAS NOT ACHIEVED BY THAT DATE A FINE IN THE AMOUNT OF \$150.00 COMMENCE ON AUGUST 2, 2011  
SECONDED BY MR. FRIED  
MOTION PASSED UNANIMOUSLY**

B. Case # CE 11-395, 2259 Ibis Isle Rd. E., Steffes Investments, Inc.

Violation of Chapter 18, Section 18-747, swimming pools to be surrounded with a minimum four (4) foot high enclosure with gates that self-close and latch; Violation of Chapter 42, Section 42-86 unsightly, unsafe or unsanitary conditions and debris on private property not allowed

Lead Code Enforcement Officer Walton briefly reviewed the case. Mr. Walton advised the property manager was at the meeting but had to leave. The Town recommends a \$50.00 a day fine commence on June 4, 2011 and continue until compliance is achieved.

**MOTION BY MR. FRIED TO ASSESS A FINE IN THE AMOUNT OF \$50.00 A DAY, COMMENCING ON JUNE 4, 2011 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED  
SECONDED BY MS. VAN BUREN  
MOTION PASSED UNANIMOUSLY**

C. Case # CE 11-200, 242 Cherry Ln., Charles W. Smith

Violation of Chapter 42, Section 42-86 of the Town of Palm Beach Code of Ordinances, yard grass in excess of 8 inches in height not allowed; Violation of Chapter 42, Section 42-87, appurtenances such as driveways to be maintained in

good condition and all exterior and interior walls and ceilings to be kept in good condition and roofs to be maintained so as not to leak

Lead Code Enforcement Officer Walton briefly reviewed the facts of the case. He advised the property is in foreclosure and an attorney for the bank was present at the hearing. The Town recommends a fine of \$250.00 a day commence on June 14, 2011 and continue until compliance is achieved. Attorney Karen Black-Barron spoke on behalf of the bank initiating the foreclosure action and advised the outside of the property is being maintained by the bank. Various Board members discussed the ability of the bank to enter the property. Mr. Randolph suggested the bank get an emergency hearing before the court in order to be granted access to the house.

**MOTION BY MR. KOEPEL TO ASSESS A FINE IN THE AMOUNT OF \$250.00 A DAY, COMMENCING ON JUNE 14, 2011 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED**  
**SECONDED BY MR. FRIED**  
**MOTION PASSED UNANIMOUSLY**

## **VII. Fine Reduction**

A. Case # 08-2583, 271 La Puerta Way, 271 La Puerta Way LLC

Violation of Chapter 42, Section 42-228 of the Town of Palm Beach Code of Ordinances, the maximum permissible emission of noise level is 64 dBA for day and 58 dBA for night

Lead Code Enforcement Officer Walton advised this case was put on the agenda at the request of Town Attorney John Randolph. Mr. Randolph discussed the circumstances surrounding this property and the outstanding fine. He recommended the Board consider proposing a reduced fine to the title insurance company in order to resolve the case due to the mitigating circumstances.

**MOTION BY MR. KOEPEL TO REDUCE THE FINE TO \$7,500.00 WHICH WOULD BE REQUIRED TO BE PAID WITHIN 30 DAYS. HE FURTHER MOTIONED IF THE FINE IS NOT PAID WITHIN 30 BUSINESS DAYS OF THIS ORDER, IT WILL RETURN TO THE ORIGINAL AMOUNT OF \$15,900.00**  
**SECONDED BY MR. FRIED**  
**MOTION PASSED UNANIMOUSLY**

## **VIII. Old Business**

A. Case # CE 10-587, 340 Royal Poinciana Way, Sidney Spiegel Tr# 31520371 and The Sterling Organization

Violation of Chapter 134, Section 134-326 (b) of the Town of Palm Beach Code of Ordinances, an application for site plan review must be filed and approved by the

Town Council prior to the altering of the use of any land and Chapter 134, Section 134-7 of the Code, failure to comply with any of the requirements of grants of variances or exceptions

Lead Code Enforcement Officer Walton advised the previous Board Order on this case required the violators to appear at this meeting with an update on the parking lot issue. Craig Mueller provided an update on the progress of the Royal Poinciana bridge for the Board.

**MOTION BY MR. FRIED TO REQUIRE PLANNING, BUILDING AND ZONING TO CONTINUE TO MEET WITH THE VIOLATOR AND REPORT BACK TO THE BOARD AT THE AUGUST 18, 2011 MEETING  
SECONDED BY MR. KOEPEL  
MOTION PASSED UNANIMOUSLY**

B. Case # 09-2665, 139 N. County Road, Paramount Church, Inc.

Violation of Chapter 42, Section 42-87 of the Town of Palm Beach Code of Ordinances, appurtenances such as railings to be kept in good repair and unsightly, unsanitary or unsafe conditions not permitted

Lead Code Enforcement Officer Walton reviewed the facts of the case. The Town recommends a \$100.00 a day fine commencing May 31, 2011 and continuing until compliance is achieved. Attorney Leslie Evans spoke on behalf of the church and advised of the difficulties they have had in raising money.

**MOTION BY MR. KOEPEL TO GIVE THE VIOLATOR AN ADDITIONAL SIX MONTHS TO COME INTO COMPLIANCE  
MOTION FAILED FOR LACK OF A SECOND**

**MOTION BY MR. FRIED TO ASSESS A FINE IN THE AMOUNT OF \$100.00 A DAY, COMMENCING ON MAY 31, 2011 AND CONTINUING UNTIL COMPLIANCE IS ACHIEVED  
SECONDED BY MR. BALLENTINE  
MOTION PASSED WITH MR. KOEPEL OPPOSED**

**IX. Board Comments: (4:51:42 p.m.)**

Manager Houston reminded the Board members about the mandatory Ethics sessions.

Mr. Hoffman advised the written material is sometimes difficult to read on the screen. Manager Houston advised the information can be included in the packets.

Ms. Greenberg wanted clarification about the current water restrictions.

Mr. Hoffman asked the Board if they would like a break during longer meetings.

**X. Adjournment: (4:56:38 p.m.)**

The meeting was adjourned without benefit of motion.